

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

TONY M. GRAVES

PLAINTIFF

VS.

CIVIL ACTION NO. 3:20-CV-727 HTW-LGI

WARDEN NASH, ET AL

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

BEFORE THIS COURT is the Report and Recommendation of the United States Magistrate Judge LaKeysha Greer Isaac [**doc. no. 28**]. Having considered the submissions of the parties and the applicable law, the Magistrate Judge recommends that Defendants' Motion for Summary Judgment be granted with prejudice for failure to state a cognizable *Bivens* claim, or in the alternative, without prejudice for failure to exhaust administrative remedies. Plaintiff did not file a response to Defendants' Motion.

Plaintiff was notified of his right to file written objections to this report and recommendation within fourteen days. Over fourteen days have passed since Plaintiff was mailed a copy of the Report and Recommendation of the Magistrate Judge on June 7, 2022, and no objections have been filed.

This Court concludes that the findings in the Report and Recommendation of the Magistrate Judge [**doc. no. 28**], where the Magistrate Judge recommends dismissal without prejudice for failure to exhaust administrative remedies, should be **adopted** as this Court's own. Accordingly, this case is dismissed without prejudice.

SO ORDERED AND ADJUDGED, this the 22nd day of July, 2022.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE